

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 13-CR-107

ARUNAS JANKAUSKAS
Defendant.

ORDER

The government charged defendant Arunas Jankauskas with wire fraud and identity theft, and the magistrate judge allowed his release on \$15,000 cash and other conditions, including surrender of his passport and restrictions on travel. On May 16, 2013, Jankauskas's wife, Vida Jankauskiene, posted the \$15,000. Jankauskas eventually pleaded guilty, and on August 22, 2014, I sentenced him to 36 months in prison, allowing voluntary surrender to the institution designated by the Bureau of Prisons. On September 26, 2014, I issued a warrant for Jankauskas's arrest after being advised that he had booked a one-way flight out of the country; agents arrested Jankauskas at O'Hare Airport on September 29, 2014. The government then filed a motion for forfeiture of bond based on Jankauskas's attempted flight. See Fed. R. Crim. P. 46(f)(1). Jankauskiene opposed the government's motion and later filed her own motion to set aside any bail forfeiture. Fed. R. Crim. P. 46(f)(2)(B).

The parties have presented the Order Setting Conditions of Release executed by Jankauskas (R. 60-1) and a receipt for the \$15,000 cash posted by Jankauskiene (R. 63-2). However, they have not presented the Appearance Bond, and this document does not appear on the docket. Rule 46(f)(1) refers to violation of a condition of the bond, not the order setting

conditions of release. See United State v. Shah, 193 F. Supp. 2d 1091, 1094-95 (E.D. Wis. 2002) (citing United States v. Dudley, 62 F.3d 1275 (10th Cir. 1995)); see also 18 U.S.C. § 3146(d) (allowing forfeiture when the defendant has executed an appearance bond or similar document).

IT IS ORDERED that the parties file supplemental memoranda addressing this issue. The government shall file its submission by **March 31, 2015**, and Jankauskiene her's by **April 14, 2015**.

Dated at Milwaukee, Wisconsin, this 10th day of March, 2015.

/s Lynn Adelman
LYNN ADELMAN
District Judge